

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1050**

Citations Affected: IC 36-7-4.

Synopsis: Planning and zoning matters. Eliminates two members of the Indianapolis metropolitan development commission, including a member appointed by the mayor and a member who represents township legislative bodies. Provides that certain members of certain county plan commissions, metropolitan plan commissions, area plan commissions, and boards of zoning appeals either: (1) reside in an unincorporated area; or (2) reside in the county and own real property located in an unincorporated area. (Current law requires that certain members reside in an unincorporated area.) Repeals a provision allowing a township in Marion County to require that a plan commission hold a public hearing within the township before an amendment to a zoning map may be made. **(This conference committee report: (1) Provides that not more than two citizen members who are members of a county plan commission may reside in the county and own property in the unincorporated area of the county. (2) Allows a citizen member who is a member of an advisory metropolitan plan commission to reside in the county and own real property in the unincorporated area of the county. (3) Provides that citizen members appointed to an area plan commission may be residents of the county and also owners of real property in the unincorporated area of the county. (4) Removes a provision that requires the county commissioners (rather than the area plan commission) to appoint the executive director of the planning department in a county that does not contain a second class city.)**

Effective: July 1, 2004.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1050 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 36-7-4-207 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 207. (a) ADVISORY.
- 4 In a city having a park board and a city civil engineer, the city plan
- 5 commission consists of nine (9) members, as follows:
- 6 (1) One (1) member appointed by the city legislative body from its
- 7 membership.
- 8 (2) One (1) member appointed by the park board from its
- 9 membership.
- 10 (3) One (1) member or designated representative appointed by the
- 11 city works board.
- 12 (4) The city civil engineer or a qualified assistant appointed by the
- 13 city civil engineer.
- 14 (5) Five (5) citizen members, of whom no more than three (3) may
- 15 be of the same political party, appointed by the city executive.
- 16 (b) ADVISORY. If a city lacks either a park board or a city civil
- 17 engineer, or both, subsection (a) does not apply. In such a city or in
- 18 any town, the municipal plan commission consists of seven (7)

1 members, as follows:

2 (1) The municipal legislative body shall appoint three (3) persons,
3 who must be elected or appointed municipal officials or employees
4 in the municipal government, as members.

5 (2) The municipal executive shall appoint four (4) citizen members,
6 of whom no more than two (2) may be of the same political party.

7 (c) AREA. To provide equitable representation of rural and urban
8 populations, representation on the area plan commission is determined
9 as follows:

10 (1) Seven (7) representatives from each city having a population of
11 more than one hundred five thousand (105,000).

12 (2) Six (6) representatives from each city having a population of
13 not less than seventy thousand (70,000) nor more than one hundred
14 five thousand (105,000).

15 (3) Five (5) representatives from each city having a population of
16 not less than thirty-five thousand (35,000) but less than seventy
17 thousand (70,000).

18 (4) Four (4) representatives from each city having a population of
19 not less than twenty thousand (20,000) but less than thirty-five
20 thousand (35,000).

21 (5) Three (3) representatives from each city having a population of
22 not less than ten thousand (10,000) but less than twenty thousand
23 (20,000).

24 (6) Two (2) representatives from each city having a population of
25 less than ten thousand (10,000).

26 (7) One (1) representative from each town having a population of
27 more than two thousand one hundred (2,100), and one (1)
28 representative from each town having a population of two thousand
29 one hundred (2,100) or less that had a representative before
30 January 1, 1979.

31 (8) Such representatives from towns having a population of not
32 more than two thousand one hundred (2,100) as are provided for
33 in section 210 of this chapter.

34 (9) Six (6) county representatives if the total number of municipal
35 representatives in the county is an odd number, or five (5) county
36 representatives if the total number of municipal representatives is
37 an even number.

38 (d) METRO. The metropolitan development commission consists of
39 ~~eleven (11)~~ **nine (9)** citizen members, as follows:

40 (1) ~~Five (5)~~ **Four (4)** members, of whom no more than ~~three (3)~~
41 **two (2)** may be of the same political party, appointed by the
42 executive of the consolidated city.

43 (2) Three (3) members, of whom no more than two (2) may be of
44 the same political party, appointed by the legislative body of the
45 consolidated city.

46 (3) Two (2) members, who must be of different political parties,
47 appointed by the board of commissioners of the county.

48 ~~(4) One (1) member who represents the township legislative~~
49 ~~bodies. The procedure for the township legislative bodies for~~
50 ~~appointing the member shall be established by an ordinance adopted~~

1 ~~by the legislative body of the consolidated city.~~
 2 ~~by an ordinance adopted by the legislative body of the consolidated~~
 3 ~~city.~~

4 SECTION 2. IC 36-7-4-208, AS AMENDED BY P.L.173-2003,
 5 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2004]: Sec. 208. (a) ADVISORY. The county plan
 7 commission consists of nine (9) members, as follows:

8 (1) One (1) member appointed by the county executive from its
 9 membership.

10 (2) One (1) member appointed by the county fiscal body from its
 11 membership.

12 (3) The county surveyor or the county surveyor's designee.

13 (4) The county agricultural extension educator. However, if the
 14 county does not have a county agricultural extension educator, the
 15 county extension board shall select a resident of the county who is
 16 a property owner with agricultural interest to serve on the
 17 commission under this subdivision for a period not to exceed one
 18 (1) year.

19 (5) Five (5) members appointed in accordance with one (1) of the
 20 following:

21 (A) Four (4) citizen members, of whom no more than two (2)
 22 may be of the same political party. ~~and all~~ **Each of the four (4)**
 23 ~~of whom members~~ must be:

24 ~~residents~~ **(i) a resident of an unincorporated areas area** of the
 25 county; or

26 **(ii) a resident of the county who is also an owner of real**
 27 **property located in whole or in part in an unincorporated**
 28 **area of the county;**

29 appointed by the county executive. **However at least two (2) of**
 30 **the citizen members must be residents of the**
 31 **unincorporated area of the county.** Also one (1) township
 32 trustee, who must be a resident of an unincorporated area of the
 33 county appointed by the county executive upon the
 34 recommendation of the township trustees whose townships are
 35 within the jurisdiction of the county plan commission.

36 (B) Five (5) citizen members, of whom not more than three (3)
 37 may be of the same political party. ~~and all~~ **Each of the five (5) of**
 38 ~~whom members~~ must be:

39 ~~residents~~ **(i) a resident of an unincorporated areas area** of the
 40 county; or

41 **(ii) a resident of the county who is also an owner of real**
 42 **property located in whole or in part in an unincorporated**
 43 **area of the county;**

44 appointed by the county executive. **However at least two (2)**
 45 **members must be residents of the unincorporated area of**
 46 **the county.**

47 If a county executive changes the plan commission from having
 48 members described in clause (B) to having members described in
 49 clause (A), the county executive shall appoint a township trustee to

replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.

(b) ADVISORY. The metropolitan plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county legislative body from its membership.

(2) One (1) member appointed by the second class city legislative body from its membership.

(3) Three (3) citizen members who:

(A) are residents of reside in an unincorporated areas area of the county; or

(B) reside in the county and also own real property located in whole or in part in an unincorporated area of the county;

of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.

(4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) The county superintendent of schools, or if that office does not exist, a representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.

(4) One (1) of the following appointed by the county executive:

(A) The county agricultural extension educator.

(B) The county surveyor or the county surveyor's designee.

(5) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county executive.

(6) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real

property located in whole or in part in the unincorporated area of the county;

appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

(1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator under subsection (c)(4); or

(2) the county agricultural extension educator if the county executive appoints the county surveyor under subsection (c)(4).

(e) AREA. The appointing authority may appoint an alternate member to participate on a commission established under section 204 of this chapter in a hearing or decision if the regular member it has appointed is unavailable. An alternate member shall have all of the powers and duties of a regular member while participating on the commission.

SECTION 3. IC 36-7-4-903, AS AMENDED BY P.L.216-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. ADVISORY. (a) When a municipal plan commission exercises jurisdiction outside the incorporated area of the municipality as provided for in section 205 or 1208 of the advisory planning law, either:

(1) an additional division of the board of zoning appeals shall be established under section 901(b) of this chapter that will have territorial jurisdiction only in the unincorporated area and consist only of residents of the unincorporated area; or

(2) the municipal plan commission shall designate, as its appointment to the municipal board of zoning appeals under section 902(a)(3) of this chapter, one (1) of the two (2) citizen members who were appointed under section 214 of this chapter to the plan commission to represent the unincorporated area. The citizen member must reside in the unincorporated area; ~~He;~~ **The citizen** shall be appointed for a term of four (4) years. ~~He~~ **The citizen** is entitled to participate and vote in all deliberations of the municipal board of zoning appeals.

(b) Notwithstanding section 902(g) of this chapter, if the zoning ordinance provides for an additional division of the board of zoning appeals under subsection (a)(1), the ordinance may also provide for the appointment of one (1) or more members of that division by elected officials of the county or township.

SECTION 4. IC 36-7-4-608.5 IS REPEALED [EFFECTIVE JULY 1, 2004].

Renumber all SECTIONS consecutively.

(Reference is to EHB 1050 as reprinted February 26, 2004.)

Conference Committee Report
on
Engrossed House Bill 1050

Signed by:

Representative Hasler
Chairperson

Senator Clark

Representative Hinkle

Senator Breaux

House Conferees

Senate Conferees